

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SERGIO RAMIREZ,

2:09-CV-98 JCM (RJJ)

Plaintiff,

V.

CLARK COUNTY, et al.,

Defendants.

ORDER

Presently before the court is plaintiff Sergio Ramirez's motion in limine requesting order to transport plaintiff for trial. (Doc. #145). Defendants Las Vegas Metropolitan Police Department, et. al. have not filed an opposition.

19 This is a civil rights and state tort suit alleging wrongful conduct during a cell extraction.
20 The jury trial is scheduled to begin on March 12, 2012. (Doc. #149). Plaintiff moves the court for
21 an order mandating that the Nevada Department of Corrections transport plaintiff to the federal
22 courthouse for the trial. Plaintiff states that his presence at trial is “necessary to effectively assist his
23 counsel in litigating his claims before this court.” (Doc. #145).

24 “The district court’s power to issue a writ of *habeas corpus ad testificandum* to secure the
25 testimony of a state prisoner witness is beyond dispute.” *Wiggins v. County of Alameda*, 717 F.2d
26 466, 468 n.1 (9th Cir. 1983); *see also* 28 U.S.C. § 2241(c)(5); 28 U.S.C. § 1651(a). The
27 determination of whether to issue a writ of *habeas corpus ad testificandum* rests within the sound

1 discretion of the district court. *Maurer v. Pitchess*, 530 F. Supp. 77, 80 (C.D. Cal. 1981) *rev'd in*
2 *part*, 755 F.2d 936 (9th Cir. 1985); *Cummings v. Adams*, 2006 WL 449095 (E.D. Cal. 2006).

3 Plaintiff's motion does not assert that he will testify at the trial, and he has not moved for a
4 writ of *habeas corpus ad testificandum*. Therefore, the court finds that it is not appropriate to grant
5 the instant motion.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Sergio Ramirez's
8 motion in limine requesting order to transport plaintiff for trial (doc. #145) be, and the same hereby
9 is, DENIED.

10 DATED March 6, 2012.

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12 **UNITED STATES DISTRICT JUDGE**
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